

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARVA WRIGHT,
Plaintiff,

v.

COMENITY BANK AND EXPERIAN
INFORMATION SOLUTIONS, INC.,
Defendant.

Case No.

NOTICE OF REMOVAL

Defendant Comenity Bank (“Comenity”) through its counsel, Saul Ewing LLP, hereby gives notice of the removal of this action from the Supreme Court of the State of New York, County of Bronx pursuant to 28 U.S.C. § 1331, 1441, and 1446.

1. On or about January 23, 2024, Plaintiff Marva Wright (“Plaintiff”) commenced this action against Comenity and Experian Information Solutions, Inc. (“Experian”) by filing a Complaint in the Supreme Court of the State of New York, County of Bronx. This matter is captioned *Marva Wright v. Comenity Bank and Experian Information Solutions, Inc.*, Index No. 801317/2024. True and correct copies of the following documents are attached: the Complaint, docket sheet, and all remaining documents as Exhibit A.

2. Counsel for Comenity signed a waiver of service of summons and accepted service of the Complaint on January 24, 2024.

3. Comenity is filing this notice within thirty (30) days of its receipt of the Complaint as allowed by 28 U.S.C. § 1446(b).

4. The Complaint asserts claims arising from Comenity's alleged reporting of an account to the credit reporting agencies ("CRAs"). Specifically, Plaintiff alleges that Comenity and Experian violated the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.* in their reporting of a Comenity account. (Ex. A, ¶¶ 23-45.)

5. Counsel for Comenity conferred with Experian on February 22, 2024 regarding the removal of this action. Experian confirmed that it consents to removal.

6. Pursuant to 28 U.S.C. § 1331, the United States District Courts "have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

7. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiff's claims are governed by the FCRA, which is a federal law enacted by Congress.

8. Based on the foregoing, this Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1367 because it arises under federal law within the Court's original jurisdiction.

9. Pursuant to 28 U.S.C. § 1441(a), this case is appropriately removable to federal court.

10. Since the Complaint was originally filed in Bronx County, New York, venue is proper in the United States District Court for the Southern District of New York.

11. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Supreme Court of New York, County of Bronx simultaneously with the filing in this Court.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be served upon Plaintiff.

13. This Notice of Removal is filed subject to and without waiver of any rights Comenity may have with respect to Plaintiff's claims.

WHEREFORE, Comenity respectfully requests that this matter be removed from the Supreme Court of the State of New York, County of Bronx to the United States District Court for the Southern District of New York.

Dated: February 22, 2024

Respectfully submitted,

By: /s/ Colleen Fox

Colleen Fox
SAUL EWING LLP
650 College Road East, Suite 4000
Princeton, New Jersey 08540

(609) 452-3145

Colleen.Fox@saul.com

Attorney for Defendant Comenity Bank

CERTIFICATE OF SERVICE

I, Colleen Fox, hereby certify that I have served a copy of the foregoing on counsel for Plaintiff via the Court's electronic filing system:

Alain Cesar, Esq.
333 Earle Ovington Boulevard, Suite 402
Uniondale, New York 11553
Email: acesar@sanderslaw.group
Office: (516) 203-7600
Direct: (516) 203-7612
Fax: (516) 282-7878
Attorney for Plaintiff

By: /s/ Colleen Fox

Colleen Fox
SAUL EWING LLP
650 College Road East
Suite 4000
Princeton, New Jersey 08540
(609) 452-3145
Colleen.Fox@saul.com

Attorney for Defendant Comenity Bank

Dated: February 22, 2024